

PLANNING COMMISSION MINUTES

The Winchester Planning Commission held its regular meeting on Tuesday, July 21, 2015, at 3:00 p.m. in Council Chambers, 15 N. Cameron Street, Winchester, Virginia.

CALL TO ORDER:

PRESENT: Chairman Slaughter, Vice-Chairman Loring, Commissioner Smith, Commissioner Wolfe, Commissioner Tagnesi, Commissioner Fieo

ABSENT: Commissioner Shickle

EX-OFFICIO: City Manager Freeman

FREDERICK CO. LIAISON: Commissioner Kenney

STAFF: Aaron Grisdale, Josh Crump, Erick Moore, Carolyn Barrett

VISITORS: Kathleen Beyrau, Thomas Lawson

APPROVAL OF MINUTES:

Chairman Slaughter called for corrections or additions to the minutes of June 16, 2015. Hearing none, he called for a motion. Commissioner Tagnesi moved to approve the minutes as submitted. Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 6-0.

CORRESPONDENCE:

Mr. Grisdale said there was no correspondence from the citizens but there is an updated staff report for Item 2c, the text amendment for PUD bonus incentives. There is some information on the current ordinance as well as the original proposal. There are also some administrative approvals added to the agenda.

CITIZEN COMMENTS:

None.

REPORT OF THE FREDERICK COUNTY PLANNING COMMISSION LIAISON:

The last meeting was July 15, 2015. There were five items on the agenda. One five-acre parcel was pulled prior to the meeting started and was not voted on. A 175-acre parcel was added into the agricultural district. Forty-six parcels of five-acres or less were broken up into three groups. Eleven were denied, sixteen approved and nineteen were on a case-by-case basis and sent on to the Board of Supervisors. There were two ordinance amendments – 1. Breweries are now being allowed in the rural district. 2. The way the minor site plan submittal process is handled was approved. Both were sent on to the Board. The next meeting is August 19, 2015.

PUBLIC HEARINGS:

TA-15-289 An ordinance amending section 8-2-19 of the Winchester Zoning Ordinance pertaining to ground floor residential conversion of existing structures with a conditional use permit.

Mr. Crump reviewed the publicly initiated text amendment. It will allow ground floor residential dwelling units in the B-2 district. There are multi-family units allowed with a conditional use permit. There are currently no proposals right now. There are some projects that could potentially use it. There has been input from the development community about it. Staff feels there would not be many applications for it and recommended approval. It would be a tool for people to use to get ground floor apartments.

Commissioner Loring asked if it would create a by-right use in B-2. Mr. Crump said it would be a conditional use. Chairman Slaughter asked what areas of the city are in the B-2 district.

Chairman Slaughter Opened the Public Hearing

Chairman Slaughter Closed the Public Hearing

Chairman Slaughter called for discussion from the Commission.

Chairman Slaughter felt there was already a tool to accomplish what this text amendment is asking for. Commissioner Loring was not sure what problem this would solve if no one had come forward with a request. Mr. Crump said it was just another tool for a developer to utilize. Commissioner Smith said that staff will look at things that may occur in the future and they will make amendments and changes but it does not mean there is a problem already.

Mr. Grisdale said that there was not a current issue but if someone wanted to come forward in one of the limited situations, they would not have the ability to do so without going through a text amendment and conditional use permit. This sets up the framework in the ordinance for someone to take advantage of it. It will be limited on what type of applications can come forward. One limitation is dwelling units would not be able to face a street.

Chairman Slaughter asked for some examples of major commercial streets. Mr. Grisdale said the Planning Director looks at it on a case-by-case basis. Portions of Loudoun Street were an example of a major commercial street and there are certain blocks that transition to more residential. Commissioner Fieo noted that they were not looking at someone wanting to construct new structures but convert older structures. Mr. Grisdale agreed. Commissioner Wolfe said that since the apartment units cannot face the street and have to be in the rear of a building, it put her mind at ease.

*Commissioner Smith moved that the Planning Commission forward **TA-15-289** to City Council with a favorable recommendation because the amendment, as proposed, presents good planning practice by providing for expanded residential opportunities consistent with Council's Strategic Plan and the City's Comprehensive Plan. Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 5-1 (Slaughter).*

TA-15-322 An ordinance amending Article 1 of the Winchester Zoning Ordinance pertaining to the definitions of hotel, motel and transient.

Mr. Grisdale said that as discussed at the work session, staff requests for the item to be tabled.

Chairman Slaughter Opened the Public Hearing

Chairman Slaughter Closed the Public Hearing

Chairman Slaughter called for discussion from the Commission. Hearing none, he called for a motion.

*Commissioner Loring made a motion to table **TA-15-322**, an ordinance amending Article 1 of the Winchester Zoning Ordinance pertaining to the definitions of hotel, motel and transient. Commissioner Fieo seconded the motion. Voice vote was taken and the motion passed 6-0.*

TA-15-323 An ordinance amending section 13-1-5 PUD of the Winchester Zoning ordinance pertaining to bonus incentives to increase allowable residential density for planned unit developments.

Mr. Grisdale reviewed the text amendment and noted the updated staff report and analysis of new information that had come in. It is a privately sponsored Zoning Ordinance Text Amendment pertaining to density bonus provisions in the PUD district. Staff has some concerns in the areas that are noted on the chart included in the proposal. Presently there is only one bonus with different levels that allow developers up to 18 units per acre. Mr. Grisdale explained the categories listed in the chart. In the current form, staff does not support the text amendment with the level of bonuses being proposed. If the density bonuses are backed up to staff recommendations, they would be an appropriate level and consistent with planning practice.

Chairman Slaughter asked where a developer would start in the underlying district as far as density and where they would be with the current PUD. Mr. Grisdale explained the formula to figure out the density of a development.

Commissioner Fieo said that in the work session they had talked about being certain bonus points were not given for something that was already required. He asked how residential amenities are defined for which a bonus would be applied as opposed to open space that is dictated by current regulations. Mr. Grisdale explained the residential amenities are for things that are enclosed in the residential floor area such as an indoor gymnasium. Commissioner Fieo noted that improving an open space with something like a garden would not be counted as a qualifier; it had to be within a building. Mr. Grisdale agreed.

Commissioner Wolfe asked how the city benefits from the text amendment. Mr. Grisdale said it encourages mixed use within a project and sets some thresholds. Commissioner Fieo asked for clarification of section 13-1-5.2 and an explanation that a bonus was not being given for something that has already been in effect. Mr. Grisdale said that in terms of the current provisions, the Planning Commission and City Council evaluate the consistency with the Comprehensive Plan and the proximity determines what density is appropriate. A PUD that is submitted is not automatically eligible just because they meet one of the criteria. It is still a discretionary act. If the Council does not believe a project meets the criteria, it does not have to approve it.

Commissioner Smith asked if the staff was comfortable with what is in place and the recommendations. Mr. Grisdale said if the current proposal was modified to come in line with staff recommendations, they would be comfortable with it. No one is guaranteed 18 units, it is very context sensitive and the framework of the analysis is a worst case scenario. Chairman Slaughter asked if anyone had come forward not wanting 18 units. Mr. Crump said it is usually fewer than 18. Chairman Slaughter noted there was nothing in the language to say what number someone gets and now the number is being changed to 27. Mr. Grisdale said that was something staff could look into if the Commission thinks it needs to be clarified.

Commissioner Wolfe asked what does the City get now with what is offered as opposed to what does it get if more is offered. Mr. Grisdale said the staff is setting high end goals with specific thresholds that tie in with the goals of the Comprehensive Plan. In terms of fiscal impact etc., those are going to be context sensitive. This would give greater flexibility for development coming forward.

Chairman Slaughter Opened the Public Hearing

Mr. Lawson, JDC Winchester LLC, reiterated what had already been discussed and praised the staff for the work they had done. Chairman Slaughter noted that if the Commission recommended approval of the amendment, it would be for all future PUDs. He asked Mr. Lawson if he had a project in mind for a PUD that it would be applicable to. Mr. Lawson said they had started out with an application and rezoning and staff had said it was not the way to do it. They were creating an ordinance that would apply city wide. It has changed since they first started the process. They are looking at projects that are near campuses such as the medical center. There is an interest to appeal and file an application, possibly more than one, for consideration by the City to put more density in close proximity to those campuses. There is more demand for more costly products that rent for higher values; they have more amenities like elevators. In order to do that, there needs to be a density to support it. Market forces are driving the text amendment.

Commissioner Tagnesi asked if he was satisfied with the current proposal bonuses or is it still in negotiation. Mr. Lawson suggested it be moved forward to Council with a recommendation and let them decide. He did like the incentives and certification in the chart.

Ms. Beyrau, Johnston Court, suggested that providing bonuses was a slippery slope and she had never heard of that before. Clearly developers are extremely interested in building in Winchester without any need for incentives but only if they can put in high density housing. Winchester is already a very congested city with many highways coming in. There are little pockets of land left to develop but they need to be high quality development not more apartments and high density apartments. It may be time to stop providing incentives and maybe they should go back to a moratorium on building new apartments. The Green Circle trail is not built, it is extremely congested, and the new school going in is already overcrowded. No one is working with the school district to talk about how to control the population coming into the city and schools. It is a huge burden on tax payers to provide for the city schools. She would like to see more amenities in the City, complete the Green Circle trail, build a few small parks or something as opposed to only working with developers to build out the last few acres left in the city and make it more congested and less walkable.

Chairman Slaughter Closed the Public Hearing

Chairman Slaughter called for discussion from the Commission.

Commissioner Smith said he needed more information. Commissioner Tagnesi said there was no reason to hold onto it and to send it to Council and let them review it. Commissioner Wolfe said she did not want to forward it on without a final number. If the percentages did not really matter then why wouldn't they already be at the staff recommendation level? Clearly the applicant is trying to get the proposed bonuses as opposed to the staff recommendations.

Mr. Grisdale said that since it was a privately sponsored text amendment, the staff could not unilaterally change it but it would be going forward with a recommendation and the caveat “comfortable with the staff recommendations.”

Chairman Slaughter thought they were getting ahead of themselves. There have been many PUDs come through that were successful. He did not see a rush or need to increase the density to more than what they have now. Obviously there is a project coming up where their numbers do not work so they wanted to have increased density. Before they review it and imposed conditions on extra items above items that is already being given, they need to go back and look at the 18 units they are already giving.

Chairman Slaughter reviewed the options for a motion. The board members discussed whether to table or move the text amendment forward.

*Commissioner Fieo made a motion to table **TA-15-323** because the Commission requires additional time to review the proposed changes before making a recommendation to City Council. There was no second and the motion died.*

*Commissioner Tagnesi made a motion to move forward **TA-15-323** recommending approval considering the staff recommended current proposed bonus. There was no second and the motion died.*

*Commissioner Loring made a motion to forward **TA-15-323** recommending denial because the amendment as proposed provides additional residency densities that are not consistent with good planning practice and are inconsistent with the Comprehensive Plan. Commissioner Smith seconded the motion. Roll call vote was taken and the motion passed 5-1 (Tagnesi).*

NEW BUSINESS:

TA-15-376 An ordinance to amend and reenact articles 1, 17, 18 and 21 of the Winchester Zoning Ordinance pertaining to definitions; nonconforming structures; permit requirements for family day homes; powers, procedures and ex parte communications of the Board of Zoning Appeals; and violations and penalty.

Mr. Grisdale reviewed the ordinance, proposed definitions and changes to requirements.

*Commissioner Smith made a motion that the Planning Commission initiate **TA-15-376** per the attached resolution. Commissioner Fieo seconded the motion. Voice vote was taken and the motion was approved 6-0.*

OLD BUSINESS:

None

OTHER BUSINESS:

Administrative Approval(s):

A. CE Report

- 1) **CE-15-305** 2291 Valley Ave - Exterior Renovation- Dairy Queen
- 2) **CE-15-331** 710 Berryville Ave - Exterior Renovation- Bear Trading Post

B. Minor Subdivision Report

- 1) **MS-15-204** 2705 & 2725 S. Pleasant Valley Rd- Dixie Beverage Boundary Line Adjustment
- 2) **MS-15-206** 16 W. Bond St & 1004 Valley Ave- Handley Crossing Boundary Line Adjustment
- 3) **MS-15-266** 420 Meadow Branch Ave- Ridgewood Orchard Boundary Line Adjustment
- 4) **MS-15-311** 801 & 901 Amherst St- Glass-Glen Burnie Foundation Lot Consolidation

C. Administrative Approval – Site Plans

- 1) **SP-15-389** New Site Plan – 607 N. Cameron Street – Milam Landscapes
Commissioner Smith made a motion to grant administrative approval and waivers requested for SP-15-389. Commissioner Loring seconded the motion. Voice vote was taken and the motion passed 6-0.
- 2) **SP-15-392** Major Revision – 1671 & 1673 S. Pleasant Valley Road – Winchester Plaza Phase II
Commissioner Loring made a motion to grant administrative approval for SP-15-392. Commissioner Wolfe seconded the motion. Voice vote was taken and the motion passed 6-0.
- 3) **SP-15-402** Minor Revision – 601-641 W. Jubal Early Drive – Abram’s Crossing
Commissioner Loring made a motion to grant administrative approval for SP-15-402. Commissioner Smith seconded the motion. Voice vote was taken and the motion passed 6-0.

ADJOURN:

With no further business before the Commission, the meeting adjourned at 4:32 p.m.